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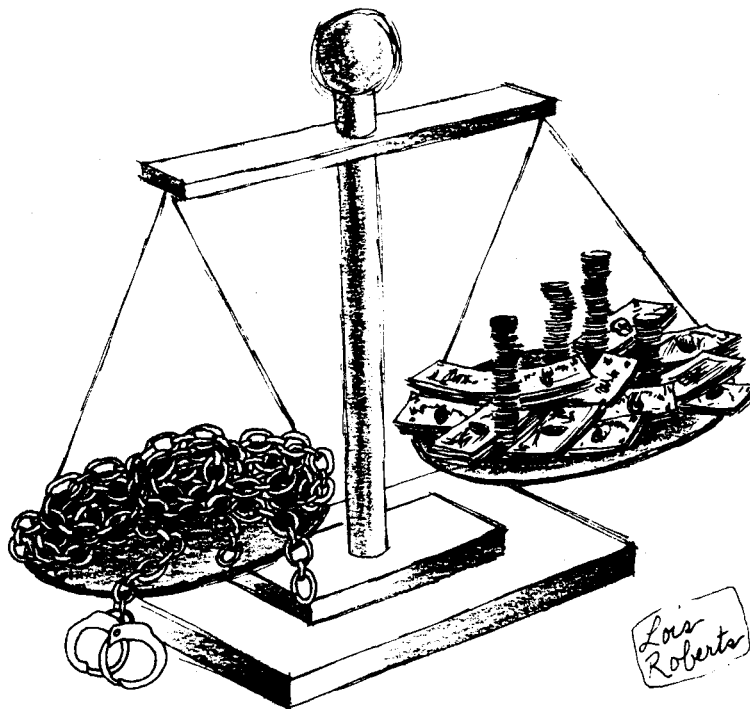
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VIEWS



THE DRAFT

PART IV -- WHAT PRICE LIBERTY?

To a fully consistent supporter of the rights of man, there is only one answer to the question, Is a volunteer armed forces possible?

Of course. Government is formed to protect man's freedom. It is a contradiction to hold that any form of forced servitude is required to implement that protection.

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But we live in an age of pragmatists--men who listen to such an argument, nod agreement, and say that in the real world, regrettably, it cannot be so.

". . .a completely equitable society cannot be developed in the world of man." Hanson W. Baldwin.¹

". . .there is no perfect system of conscription; war makes for agonizing choices." Senator Edward M. Kennedy.²

". . .the military manpower system must be a minimum infringement of individual liberty. It is abundantly clear that in a dangerous and hostile world, we must be prepared to infringe upon the individual liberty of our citizens in order to preserve the remainder from forces that would destroy it." Representative Bob Wilson.³

". . .despite the fact that the philosophy of conscription is inimical to our basic concept of individual freedom, we as a nation recognize that the alternatives can only result in jeopardizing our national security and, in turn, our precious heritage of freedom." Representative L. Mendel Rivers.⁴

To be free, we can't quite be free, they say; and if we drop the draft, then it will all go. It would seem that we are faced by an impossible dilemma. Each of the men quoted implicitly or explicitly holds this point of view. For them, and for hundreds of others like them, a volunteer armed force is virtually impossible; it would be one of the "alternatives" which could only result in "jeopardizing . . . our precious heritage of freedom." A "completely equitable society" being impossible, "agonizing choices" about infringement of individual liberty are necessary.

If one does not agree with the philosophy of pragmatism, this position is easy to answer philosophically, by showing that it is a contradiction. But these men are not philosophers, to day they are supposedly practical men, and they are saying that in the practical world the practice of compulsory service for the nation is necessary. If this position is allowed to remain unchallenged, all the "practical" men will continue to hold that political principles are not relevant to the practice of government.

I speak here specifically of the principle that the only proper purpose of government is the preservation of freedom. This is the idea implicit in the Declaration of Independence, in the statement: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness. --That to secure these rights, Governments are instituted among Men."

Is this principle right, or wrong? Let us apply it rigorously to the volunteer armed force as a case in point and see what it implies.

To do this, we must first look at the nature of what "volunteer" means in the context of a free society. Then we must examine whether a free society can in fact pay for a force made up of volunteers. And, lastly, we must see whether this is possible in the light of this government's foreign and domestic policy.

In this article, I will consider the first two points--what is a volunteer, and how much would he cost?

It is obvious that the essence of the word "volunteer" is the idea of free choice. Typically, the term applies to someone who is presented with some organized activity and who is asked if he wishes to join it. It is assumed that, if he does so, he knows and agrees with the ends at which the activity is aimed. Thus, a volunteer armed force is one made up of members who have freely chosen to join it and who have done this because it is a value to each one of them.

But what sort of value? A society based on the recognition of the rights of man must pay its soldiers, not allow them to plunder the nation's enemies. One of the concomitants of a free society is the free market -- that is, the freedom to exchange goods and services without coercion, entirely on the basis of volition. In such a market, labor can be freely disposed of by the person who labors; that is, for each man, his own person is his property, and so is his labor. In a free market, each man is constantly seeking to gain the most value he can; not by force, but in exchange for his labor.

This is the essential background to forming a volunteer armed force in a free society--that a volunteer is like any other potential employee seeking employment. He not only chooses a job which provides him with values--he chooses the greatest values among those available.

As an employer, the all-volunteer armed force must compete financially with all the other value choices available on the labor market. There is no alternative to this except some form of forced conscription; i.e., replacing the free choice of values with the forced choice of dis-values--do your national service or go to prison, rather than join the army and get a good job with more training than you could get elsewhere.

There is a connotation that colors the term "volunteer." In usage, it often refers to choosing to engage in some activity without pay. Thus,

various charity drives call for volunteers to collect donations; political campaigns recruit volunteers to promote a candidate or issue. There is even a further implication that such "service" is superior in its motivation to a job chosen in the expectation of monetary gain. Notice that the volunteer is still essentially the same as the employee--he is working to gain values--only the values he is choosing don't happen to be monetary. One can have a deep conviction of the excellence of some charity such as an orphanage or a medical foundation, or a real commitment to seeing certain political values realized and therefore be willing to exchange his labor for the pleasure of helping to achieve these goals.

But it is wrong to lump together such non-monetary values with a full-time occupation. Only a relatively few independently wealthy people can volunteer all their time to promoting a value which does not result in payment. By the nature of the service it offers, the armed forces require the full-time commitment of a large number of people, and must therefore pay.

It is not in this sense a volunteer army which we seek, but a voluntary one. A better descriptive term for a free society's armed force is "professional." It is more apt, too, because when the charity or the political campaign manager calls for volunteers, generally it is assumed that what is sought is unskilled volunteers, that they do not need "to have acquired some special knowledge . . . in some art."⁶ Traditionally, particularly in the early days of the Republic, the notion was held that being a soldier was not so much a matter of skill as of physical strength. This has never been true--and today's weapons systems, war machinery, field techniques, and tactics completely belie this idea. Combat is not a matter of muscle, but of mind--trained mind. Anyone who has visited a modern naval vessel, has seen or read about the intricacies of today's jet fighter, has even glanced through the ordinary rifleman's manual, must recognize on a common-sense level that a high degree of trained skill is required of the men who man these ships, jet planes, and rifle platoons. And when these skills must be applied under strains of combat, the mental discipline must be even more intense. Imagine the difference between threading a needle in your living room, and doing the same mundane task in the mud of a jungle while being shot at. The handling of modern weapons is an intricate set of skills far greater than that of threading a needle--and if you miss, you may not get a second chance.

Webster's Dictionary is quite right to cite "the profession of arms"⁶ among its examples of a skilled profession.

Like the profession of medicine, the profession of arms actually embraces a number of sub-professions and has ancillary occupations connected to it which are not professions. In medicine, the top-grade, highly trained

professionals are the doctors--surgeons, pathologists, anesthesiologists, and specialists in various branches of non-surgical treatment. Professional, but with a lesser degree of training are the nurses, laboratory technicians, and physical and occupational therapists. Ancillary to all this and with the least degree of training and career commitment are the orderlies, cleaners, and maintenance personnel. These last typically come and go quite casually. The further up the ladder of training and skill, the more the element of career involvement and commitment over a long period of time enters in, until at the top, among the physicians and surgeons it is relatively rare for one of them to leave the profession once he has fully qualified.

The military structure can, at least potentially, be viewed in the same way, although unrealistic fears of militarism, the fact of the draft, the inadequate pay incentive, all prevent the military services today from being fully professional. But in large measure, we do possess professional armed forces today.

We always have.

Any government instituted to protect liberty, if it is to endure for any length of time, must have at least a few professional military men around or it couldn't survive. Defense is not a hobby. Fleets are not maneuvered and battalions are not trained and committed to battle by part-time volunteers who drill on Saturday nights as a way of keeping fit.

The fallacies of this approach can be seen by reading about the opening months of the Civil War, when amateur regiments led by amateur officers (sometimes elected by the men, sometimes appointed politically) went to war as if it were a pastime. The slaughter was appalling. One of the major reasons that the North took so long to defeat the outnumbered, out-materialled, blockaded, non-industrial South was that the bulk of the professional officers and men in the United States at the time hostilities broke out were from the South, and joined their states when they seceded. Chief of these officers was Robert E. Lee, the Virginia general who was actually offered command of the entire Northern armies before he decided his allegiance lay with Virginia.

Ask yourself, for all the disaster of December 7, 1941, where would the United States have been in the war with Japan without its professional navy? It was the cadre of professionals that made it even remotely possible for this country to raise and train the army for that same World War II.

Why do we need hierarchies of professionals? Because there is much more to the military arts than being able to press a trigger--just as there is

much more to surgery than being able to cut someone open with a scalpel. Like the professions encompassed within medicine, the professions included within the military services vary in the amount of knowledge necessary. But in each profession, the essential core of knowledge is complicated, complex, and highly integrated. Today it requires devotion to learning over a considerable period of time. The alternative to the professional, trained army would be a part-time, citizen army--which would be an untrained horde marching to slaughter.

This then is the answer to the question, what is a volunteer? To be a volunteer is "to enter, or offer oneself of one's own free will"⁷ and in the military context this offering must be professional: that is, seeking to acquire or having "acquired some special knowledge . . . in some art"--in this case, "the profession of arms."⁶

Actually, few deny that the military is a profession explicitly. But the whole concept of the amateur militia, the conscripted citizen army, contradicts the professional view. No profession is fully professional if it depends upon the amateur, or upon involuntary servitude in order to function. In this sense, many (though not all) military leaders and spokesmen have not emerged from feudalism. They really don't believe in the ultimate ability of a free society to take care of itself solely by relying on free choice. Being specialists in the use of organized force in one area--the defense of the society--they tend to believe that organized force would be the most efficacious approach to other areas. What they are really saying is that there are not enough men who could find it to their self-interest to choose to be in the military.

And it is on this point that they meet the theorists of democracy who hold that forced conscription is good, not only because it provides the manpower to defend society, but because it is democratic. These theorists blend two ideas in this approach--the idea of obligation, and the idea of equality. The principle of political obligation was very succinctly laid down in the Pennsylvania Constitution of 1776: "That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the expense of that protection, and yield his personal service when necessary."⁸

This concept of obligation was accepted as axiomatic by one witness after another at the House Armed Services hearings in June, 1966. Lt. General Hershey had this to say about his own military service. "I enlisted in the National Guard in Indiana when I was 16 years old, and there were a thousand other kids that didn't, and there was nothing fair about the fact that I assumed voluntarily a responsibility they ought to share."⁹ The same idea

was expressed at the end of the opinion written by Chief Justice White on the 1918 Selective Service Draft Law cases. "We are unable to conceive upon what theory the exaction by government from the citizen of the performance of his supreme and noble duty of contributing to the defense of the rights and honor of the nation, as the result of a war declared by the great representative body of the people, can be said to be the imposition of involuntary servitude. . . ."8

In an article in which he advocated Universal Military Training, General and ex-President Eisenhower stated, "It is surely one of the fundamentals of our democratic system that every young person should love and believe in his country and feel a conscientious obligation to do something for his country—in peace and in war." He contended that the form of forced conscription which he advocates, UMT, "should bring to every young man an understanding of his obligation to his country. . . ."10

There is only one real distinction between this attitude and full feudalism: the fief into which one is born and to which therefore one owes and must give service is not the property of a lord or a king: it is society itself.

Yet, strangely enough, this feudal attitude is joined to egalitarianism by supporters of the draft. The line of reasoning goes as follows. Since every young man automatically has an obligation to protect the country, then each young man should be equally liable; hence as much element of choice as possible must be removed from military service. No system of forced conscription has yet reached this idea universally, but this is the direction in which the advocates of the various forms of Universal Service are striving. In ex-President Eisenhower's words, "I think that this country should adopt, as the cornerstone of its defense establishment, a workable plan of universal training--and I mean universal, with a minimum of really essential exemptions."11

There have been many formal statements over the years about how conscription acts to homogenize the population and to democratize the citizenry by forcing all to serve regardless of wealth or education. This approach is very well summarized in the following exchange from the House Armed Services hearings of last June.

"The Chairman: '. . . the broad question that I have had asked to me throughout the country is that why should a rich man's son who can afford college be deferred and a poor man's son who couldn't be drafted. . . .'

"General Hershey: '. . . Caesar had been confronted with that, and it has been raised in every war we have ever been in. Of course, people have said

that particularly at the time when we depended completely on volunteers. The people who volunteer were either the patriotic or the poor and a great many of them were both. . . . You see I have been in the volunteer system about all my life. When I had a battery, I went right through to the grade of captain rather hurriedly in 17 years, but the people we had in the battery who were gotten together by the volunteer system, I never had a college grad, I never had a college student in my battery. Did have once or twice a fellow who had been to high school a little while. This was the fairness that we got by not compelling. We may not get all of the rich men's sons, but we get the ones colleges won't tolerate."¹²

On the other hand, a few moments later, General Hershey stated, ". . . you can't have a democracy when half of the population can get out of serving merely because they don't have enough intelligence to do it."¹³

Thus we get three concurrent attacks upon the idea of a professional armed force. From the military, it is a fear that men can't be depended upon to want to defend themselves; from the neo-feudalist-democrats, it is the argument that choice by some would relieve others of an obligation they have incurred by being born into the society; from the egalitarian democrats, the feeling that all should serve in order to make them more alike, because only similarity is democratic.

All attacks agree that the principle of the division of labor must not be applied to the army. And this is the official position of the United States today, as stated in our current draft legislation: "The Congress . . . declares that in a free society the obligation and privileges of serving in the armed forces . . . should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy."¹⁴

However, few opponents of a thoroughly professional army rest their case on theoretical grounds such as the ones we have been citing. They take pride in being practical men, and it is therefore a "practical" argument which is most often advanced to support the idea of a draft--the argument of cost. "Perhaps it would be possible to maintain a completely voluntary professional military force of 3 million men by providing massive increases in their compensations. However, these costs would be astronomical . . ." says Representative L. Mendel Rivers, Chairman of the House Armed Services Committee.¹⁵ Secretary of Defense McNamara has been quoted as declaring that if the pay of the military "were raised to anything approximating a point where it would attract a sufficient number of men to do away with the draft, I suspect it would add about \$4 billion a year to the military budget."¹⁶

On the other hand, Chairman Rivers estimated the cost would be an increase of between \$6 to \$20 billion a year.¹⁷ Thomas D. Morris, Assistant Secretary of Defense for Manpower, in a report to the June House hearings estimated that for an all-volunteer, 2.7 million-man, active force, the costs would be as follows:

"With an unemployment rate of 4 percent, the range of increased payroll costs would be from \$6 to \$17 billion. I might add the most likely number in that range would be \$8 to \$9 billion.

"With an unemployment rate of 5.5 percent, the range would be \$4 to \$10 billion with the most likely cost to be \$5 to \$6 billion."¹⁸

He estimated that the range of pay increases that might be required would be from 80 percent to 280 percent.

These are Department of Defense figures, and the Department officially favors the draft. But assuming that they are not exaggerated and are totally accurate, they represent the price put on liberty: the official price tag by a government whose annual budget exceeds \$100 billion. Since the ending of World War II, the United States has spent nearly \$65 billion in foreign aid, the 1964 budget of the Department of Agriculture was \$8 billion, of which nearly \$4 billion went into the highly-criticized farm price subsidies. Our present interest on our Federal Debt is nearly \$11 billion a year.

Are we too poor to afford a voluntary, professional army? If we were convinced that, as one economist puts it, "patriotism is no excuse for slave wages,"¹⁹ we might even, if necessary, allocate money from other government enterprises to pay our soldiers. In the free enterprise system with its free labor market there is no talk of drafting men for the police, the F.B.I., or the state troopers. The cities and states and Federal government bid for these personnel against every other potential employer.

These professions all employ the organized use of force for the protection of rights on the domestic scene. In a free society, the military supposedly does this with respect to foreign foes who would invade us and thus destroy our liberty. In essence there is no professional difference between the policeman and the soldier--each has strict discipline, each is employed by government, each is hedged about by a complex set of laws, and each must face danger.

And yet the military has an almost mystic aura to it of inborn obligation, of democracy and egalitarianism, of national service, and of "duty, honor, country." At the same time, the idea of a professional military man

is vaguely distasteful to many people, connoting in some unspecified way a lust for power and a pleasure in brutality.

Throughout this article, one context has been assumed, that the purpose of a free society's armed forces is defense. And not without reason. The following was written into the present draft law. "The Congress hereby declares that an adequate armed strength must be achieved and maintained to insure the security of this Nation."²⁰

What citizen could quarrel with this statement? And yet how much depends on how the phrase "to insure the security of this Nation" is interpreted. Rome acted to insure the security of her Nation, and ended up with most of the known world in her Empire. Great Britain, insuring her security, once held a quarter of the land areas of the world under her rule.

The implications of this phrase and of our present foreign policy will be explored in a future article.

--David J. Dawson

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NOTES

1. Hanson W. Baldwin. "The Draft is Here to Stay, But it Should be Changed," New York Times Magazine, November 20, 1966, p. 102.
2. Sen Edward M. Kennedy (Mass.), quoted by Arthur Krock in the New York Times, June 23, 1966.
3. Hearings before the Committee on Armed Services, House of Representatives, 89th Congress, June, 1966. This quote is from testimony of Representative Bob Wilson given earlier before Congress, p. 9820.
4. Hearings, quoted from the introductory remarks of Rep. L. Mendel Rivers upon opening the hearings.
5. See my article: "Labor as Property vs. Labor as Natural Resource," Persuasion, October, 1966.
6. Webster's New International Dictionary, 2nd Edition, Unabridged, 1937. (From the definition of "professional")
7. Ibid. (From the definition of "volunteer")

8. Selective Draft Law Cases, 245 U.S. 366 (1918), quoted by Chief Justice White in the unanimous opinion.
9. Hearings, p. 9721.
10. Dwight D. Eisenhower. "This Country Needs Universal Military Training," Reader's Digest, September, 1966, p. 51.
11. Ibid., p. 49.
12. Hearings, pp. 9699-9700.
13. Ibid.
14. Universal Military Training and Service Act, Sec. 1(c).
15. Hearings, p. 9617.
16. This statement was reported to have been made before a Senate hearing on February 26, 1965, and was so cited in an article, "How to End the Draft," by Ross Wilhelm, The Nation, November 15, 1965.
17. Hearings, p. 9617.
18. Ibid., p. 9939.
19. Wilhelm, op. cit.
20. Universal Military Training and Service Act, Sec. 1(b).

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P E R S U A S I O N

With the passage by Congress in July of the Health Insurance for the Aged Law (Medicare), much of the medical practice in the United States is now federally controlled. In point, the paramedical profession of physical therapy has been severely restricted.

Physical therapists work, under a doctor's prescription, in hospitals, nursing homes, rehabilitation centers, doctors' offices and/or in private practice. Opportunities for remunerative part-time or full-time private practice have been a major factor in recruiting young people into the profession.

The Medicare Law requires that, for patients over the age of 65 to be eligible for payment for physical therapy, the physical therapist must be directly employed by a hospital, physician, or nursing home or be under contract to a home health agency (such

as the Visiting Nurse Service). The physical therapist who maintains a private office, who makes house calls, or who treats hospital patients on a fee-for-service basis has been virtually put out of business. In addition, charges for treatment must be acceptable to the government, and payment to the physical therapist is made through an agency (the physical therapist, unlike the doctor, does not have the choice of billing his patient directly).

At present, the demand for physical therapists is great. Paradoxically, the Medicare Law increases the demand and concomitantly decreases the available supply.

The Greater New York District of the American Physical Therapy Association is studying the feasibility of amending the law to remove the present restrictions on practice.

The following skit prefaced a presentation made by Barbara L. Boyd and Sara J. Bragin, Registered Physical Therapists, to a recent meeting of this group. Although the skit pertains particularly to the present restrictions on physical therapy practice and to some prac-

tical implications of governmental control of medicine, the core of the presentation was an attack on socialized medicine per se as a violation of individual rights. For this reason, they advocated, to the group assembled, attempts at repeal rather than amendment of the present law.

PLACE: New York City

TIME: Tomorrow

Sara Service, a physical therapist, receives a surprise telephone call.

Sara Service: Hello!

Uncle Sam: Hello, Miss Service, this is Uncle Sam.

Sara Service: (gasp) What can I do for you?

Uncle Sam: Your qualifications have been reviewed and accepted. You can now treat patients for me.

Sara Service: So I have been told! I'd like to treat . . .

Uncle Sam: You are to treat Mrs. Elder's disability. She needs your services.

Sara Service: So I have been told. . . but Uncle Sam, I have . . .

Uncle Sam: You are to see her on Monday, Wednesday and Friday at 4 p.m. Her schedule allows no substitute.

Sara Service: So I have been told, but always before we . . .

Uncle Sam: You are to be paid \$7 per treatment. She is to receive heat, massage, and passive range of motion.

Sara Service: So I have been told, but I . . .

Uncle Sam: You will treat her until we are convinced she is better. (Aside to audience) The government is paying, you know.

Sara Service: So I have been told, but . . .

Uncle Sam: Don't you have anything to say, Miss Service?

Sara Service: No, I guess not . . . or so I have been told.

Uncle Sam: (Puzzled--aside to audience) I wonder if physical therapists have always submitted to government demands so easily. . . .(To Miss Service) Oh well! Then don't forget to send me the necessary forms . . . 6 copies of each.

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